

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |                               |   |                                    |                                 |
|--|---|-------------------------------|---|------------------------------------|---------------------------------|
| Investigator:<br>Carter Salis                      | Team:<br>Squad #4   | CCRB Case #:<br>201810739     | <input type="checkbox"/> Force                        | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |   |                               | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Wednesday, 12/26/2018 11:36 AM | Location of Incident:<br>West 125th Street A,B,C,D Subway Station | Precinct:<br>26               | 18 Mo. SOL<br>6/26/2020                               | EO SOL<br>2/10/2021                |                                 |
| Date/Time CV Reported<br>Thu, 12/27/2018 1:51 PM   | CV Reported At:<br>CCRB   | How CV Reported:<br>In-person | Date/Time Received at CCRB<br>Thu, 12/27/2018 1:51 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)  | Shield | TaxID  | Command |
|---------------------|--------|--------|---------|
| 1. POM Daniel Riera | 14977  | 929033 | TB DT03 |

| Witness Officer(s)     | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Jorge Riquelme  | 15736     | 964239 | TB DT03  |
| 2. SGT Mykhaylo Batsyk | 04676     | 951532 | TB DT03  |

| Officer(s)         | Allegation  | Investigator Recommendation |
|--------------------|---|-----------------------------|
| A.POM Daniel Riera | Abuse: Police Officer Daniel Riera refused to provide his name to § 87(2)(b)          |                             |
| B.POM Daniel Riera | Abuse: Police Officer Daniel Riera refused to provide his shield number to § 87(2)(b) |                             |

### Case Summary

On December 27, 2018, § 87(2)(b) filed this complaint in-person at the CCRB. On January 15, 2019, the IAB Command Center generated a duplicate complaint, which was received at the CCRB on January 18, 2019. § 87(2)(g)

On December 26, 2018, at approximately 11:36 AM, PO Jorge Riquelme of Transit Bureau District 3 (TD 3), issued § 87(2)(b) a summons for § 87(2)(a) 160.50 at the 127<sup>th</sup> Street entrance to the West 125<sup>th</sup> Street ABCD subway station in Manhattan (BR 10). PO Riquelme was working with PO Daniel Riera, who was in plain clothes, and Sgt. Mikhaylo Batsyk, also of TD 3. After PO Riquelme issued § 87(2)(b) his summons, § 87(2)(b) followed PO Riera to the mezzanine level above the subway platform. § 87(2)(b) asked PO Riera to provide his name and shield number twice, which PO Riera refused to do on both occasions (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). On December 27, 2018, § 87(2)(b) provided the CCRB a copy of his Notice of Decision and Order, which showed that the summons PO Riquelme issued § 87(2)(b) was dismissed in court (BR 09).

The CCRB received two BWC videos of this incident, although neither captures the alleged misconduct.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Daniel Riera refused to provide his name to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Daniel Riera refused to provide his shield number to § 87(2)(b)**

It is undisputed that PO Riquelme stopped § 87(2)(b) and issued him a summons for § 87(2)(a) 160.50, although § 87(2)(b) contested having committed the offense. While PO Riquelme issued § 87(2)(b) his summons, § 87(2)(b) took pictures of both PO Riquelme and Sgt. Batsyk. § 87(2)(b) then ascended the stairs to the mezzanine level, where PO Riera was positioned.

§ 87(2)(b) (BR 02) stated that PO Riera, who was in plain clothes, was not wearing anything that would have distinguished him as an officer. § 87(2)(b) asked PO Riera to provide his name and shield number twice. After § 87(2)(b)'s first request, PO Riera said nothing. The second time § 87(2)(b) requested PO Riera's name and shield number, PO Riera stated, "It's your word against mine, I'll see you in court." Both PO Riquelme and Sgt. Batsyk were present when PO Riera refused to provide his name and shield number to § 87(2)(b).

PO Riera (BR 03) stated that, while PO Riquelme issued § 87(2)(b) his summons, he returned to the railing of the mezzanine stairwell. Approximately five minutes later, § 87(2)(b) approached PO Riera, who was in the process of issuing a summons to another civilian. § 87(2)(b) approached PO Riera, holding the summons PO Riquelme had issued him. PO Riera asked § 87(2)(b) to step aside and wait for a minute while he dealt with another civilian, which § 87(2)(b) did without contention.

When PO Riera returned to § 87(2)(b) who had his cellphone out, he asked how he could be of help. § 87(2)(b) asked to take a picture of PO Riera for his lawyer, which PO Riera permitted, though he did not pose for § 87(2)(b)'s photograph. PO Riera had his shield visibly displayed on his waist. During this interaction PO Riquelme and Sgt. Batsyk arrived on the mezzanine level and stood five feet to PO Riera's rear. At no point during the incident did § 87(2)(b)

§ 87(2)(b) ask for PO Riera's name or shield number, and at no time did PO Riera refuse to provide his name or shield number to § 87(2)(b)

PO Riquelme's statement (BR 04) was generally consistent with PO Riera's statement. PO Riquelme observed § 87(2)(b) on the mezzanine level, but he had no recollection of § 87(2)(b) speaking with PO Riera or another officer. PO Riquelme never witnessed § 87(2)(b) ask PO Riera for his name or shield number, and he never witnessed PO Riera refuse to provide his name or shield number to § 87(2)(b)

Sgt. Batsyk's statement (BR 05) was generally consistent with PO Riera's statement. On the mezzanine level, Sgt. Batsyk stood approximately six feet from § 87(2)(b) and PO Riera, and he did not hear a conversation between § 87(2)(b) and PO Riera. Sgt. Batsyk never witnessed § 87(2)(b) ask PO Riera for his name or shield number, and he never witnessed PO Riera refuse to provide his name or shield number to § 87(2)(b)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 06).
- PO Daniel Riera has been a member-of-service for 17 years and has been a subject in three CCRB complaints and 5 allegations, none of which were substantiated.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming NYPD officers engaged in unlawful discrimination and deprived him of his constitution rights. § 87(2)(b) is seeking \$10,000 as redress (BR 07). A 50H hearing is scheduled for § 87(2)(b).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date